

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2357

Introduced by Assembly Member Saldana

February 19, 2010

An act to amend Section ~~84400~~ 84211 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2357, as amended, Saldana. Political Reform Act of 1974.

The Political Reform Act of 1974 provides for the regulation of political campaign financing, including the reporting and disclosure of campaign contributions and expenditures. Under the act, elected officers, candidates for elective office, and campaign committees are required to file periodic campaign statements that disclose specified information for specified reporting periods, including the amount of contributions and loans received, the amount of expenditures made, and the identities of donors and recipients of expenditures.

This bill would require that a campaign statement filed by a committee primarily formed for the qualification or support of, or opposition to, an initiative or ballot measure also disclose the amount of each expenditure made in connection with a poll or survey used in a communication to influence voters regarding the qualification or passage of an initiative or ballot measure, as well as the amount of each expenditure made in connection with a poll or survey used to gauge the public's opinion of the ballot title and summary of an initiative or ballot measure.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

~~The Political Reform Act of 1974 provides for the regulation of political campaign financing, including the reporting and disclosure of campaign contributions and expenditures, and establishes the Fair Political Practices Commission to enforce the provisions of the act. Under the act, the Commission may not exempt any candidate or committee from the reporting requirements of the act.~~

~~This bill would make nonsubstantive changes to those provisions.~~

Vote: ~~majority~~ $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84211 of the Government Code is
- 2 amended to read:
- 3 84211. Each campaign statement required by this article shall
- 4 contain all of the following information:
- 5 (a) The total amount of contributions received during the period
- 6 covered by the campaign statement and the total cumulative amount
- 7 of contributions received.
- 8 (b) The total amount of expenditures made during the period
- 9 covered by the campaign statement and the total cumulative amount
- 10 of expenditures made.

1 (c) The total amount of contributions received during the period
2 covered by the campaign statement from persons who have given
3 a cumulative amount of one hundred dollars (\$100) or more.

4 (d) The total amount of contributions received during the period
5 covered by the campaign statement from persons who have given
6 a cumulative amount of less than one hundred dollars (\$100).

7 (e) The balance of cash and cash equivalents on hand at the
8 beginning and the end of the period covered by the campaign
9 statement.

10 (f) If the cumulative amount of contributions (including loans)
11 received from a person is one hundred dollars (\$100) or more and
12 a contribution or loan has been received from that person during
13 the period covered by the campaign statement, all of the following:

- 14 (1) His or her full name.
- 15 (2) His or her street address.
- 16 (3) His or her occupation.
- 17 (4) The name of his or her employer, or if self-employed, the
18 name of the business.
- 19 (5) The date and amount received for each contribution received
20 during the period covered by the campaign statement and if the
21 contribution is a loan, the interest rate for the loan.

22 (6) The cumulative amount of contributions.

23 (g) If the cumulative amount of loans received from or made to
24 a person is one hundred dollars (\$100) or more, and a loan has
25 been received from or made to a person during the period covered
26 by the campaign statement, or is outstanding during the period
27 covered by the campaign statement, all of the following:

- 28 (1) His or her full name.
- 29 (2) His or her street address.
- 30 (3) His or her occupation.
- 31 (4) The name of his or her employer, or if self-employed, the
32 name of the business.
- 33 (5) The original date and amount of each loan.
- 34 (6) The due date and interest rate of the loan.
- 35 (7) The cumulative payment made or received to date at the end
36 of the reporting period.
- 37 (8) The balance outstanding at the end of the reporting period.
- 38 (9) The cumulative amount of contributions.

39 (h) For each person, other than the filer, who is directly,
40 indirectly, or contingently liable for repayment of a loan received

1 or outstanding during the period covered by the campaign
2 statement, all of the following:

3 (1) His or her full name.

4 (2) His or her street address.

5 (3) His or her occupation.

6 (4) The name of his or her employer, or if self-employed, the
7 name of the business.

8 (5) The amount of his or her maximum liability outstanding.

9 (i) The total amount of expenditures made during the period
10 covered by the campaign statement to persons who have received
11 one hundred dollars (\$100) or more.

12 (j) The total amount of expenditures made during the period
13 covered by the campaign statement to persons who have received
14 less than one hundred dollars (\$100).

15 (k) For each person to whom an expenditure of one hundred
16 dollars (\$100) or more has been made during the period covered
17 by the campaign statement, all of the following:

18 (1) His or her full name.

19 (2) His or her street address.

20 (3) The amount of each expenditure.

21 (4) A brief description of the consideration for which each
22 expenditure was made.

23 (5) In the case of an expenditure which is a contribution to a
24 candidate, elected officer, or committee or an independent
25 expenditure to support or oppose a candidate or measure, in
26 addition to the information required in paragraphs (1) to (4) ~~above~~,
27 *inclusive*, the date of the contribution or independent expenditure,
28 the cumulative amount of contributions made to a candidate,
29 elected officer, or committee, or the cumulative amount of
30 independent expenditures made relative to a candidate or measure;
31 the full name of the candidate, and the office and district for which
32 he or she seeks nomination or election, or the number or letter of
33 the measure; and the jurisdiction in which the measure or candidate
34 is voted upon.

35 (6) The information required in paragraphs (1) to (4), inclusive,
36 for each person, if different from the payee, who has provided
37 consideration for an expenditure of five hundred dollars (\$500) or
38 more during the period covered by the campaign statement.

39 For purposes of subdivisions (i), (j), and (k) only, ~~the terms~~
40 “expenditure” or “expenditures” ~~mean~~ *means* any individual

1 payment or accrued expense, unless it is clear from surrounding
2 circumstances that a series of payments or accrued expenses are
3 for a single service or product.

4 (l) In the case of a controlled committee, an official committee
5 of a political party, or an organization formed or existing primarily
6 for political purposes, the amount and source of any miscellaneous
7 receipt.

8 (m) If a committee is listed pursuant to subdivision (f), (g), (h),
9 (k), (l), or (q), the number assigned to the committee by the
10 Secretary of State shall be listed, or if no number has been assigned,
11 the full name and street address of the treasurer of the committee.

12 (n) In a campaign statement filed by a candidate who is a
13 candidate in both a state primary and general election, his or her
14 controlled committee, or a committee primarily formed to support
15 or oppose such a candidate, the total amount of contributions
16 received and the total amount of expenditures made for the period
17 January 1 ~~through~~ to June 30, *inclusive*, and the total amount of
18 contributions received and expenditures made for the period July
19 1 ~~through~~ to December 31, *inclusive*.

20 (o) The full name, residential or business address, and telephone
21 number of the filer, or in the case of a campaign statement filed
22 by a committee defined by subdivision (a) of Section 82013, the
23 name, street address, and telephone number of the committee and
24 of the committee treasurer. In the case of a committee defined by
25 subdivision (b) or (c) of Section 82013, the name that the filer uses
26 on campaign statements shall be the name by which the filer is
27 identified for other legal purposes or any name by which the filer
28 is commonly known to the public.

29 (p) If the campaign statement is filed by a candidate, the name,
30 street address, and treasurer of any committee of which he or she
31 has knowledge which has received contributions or made
32 expenditures on behalf of his or her candidacy and whether the
33 committee is controlled by the candidate.

34 (q) A contribution need not be reported nor shall it be deemed
35 accepted if it is not cashed, negotiated, or deposited and is returned
36 to the contributor before the closing date of the campaign statement
37 on which the contribution would otherwise be reported.

38 (r) If a committee primarily formed for the qualification or
39 support of, or opposition to, an initiative or ballot measure is
40 required to report an expenditure to a business entity pursuant to

1 subdivision (k) and 50 percent or more of the business entity is
2 owned by a candidate or person controlling the committee, by an
3 officer or employee of the committee, or by a spouse of any of
4 these individuals, the committee's campaign statement shall also
5 contain, in addition to the information required by subdivision (k),
6 that person's name, the relationship of that person to the committee,
7 and a description of that person's ownership interest or position
8 with the business entity.

9 (s) If a committee primarily formed for the qualification or
10 support of, or opposition to, an initiative or ballot measure is
11 required to report an expenditure to a business entity pursuant to
12 subdivision (k), and a candidate or person controlling the
13 committee, an officer or employee of the committee, or a spouse
14 of any of these individuals is an officer, partner, consultant, or
15 employee of the business entity, the committee's campaign
16 statement shall also contain, in addition to the information required
17 by subdivision (k), that person's name, the relationship of that
18 person to the committee, and a description of that person's
19 ownership interest or position with the business entity.

20 (t) If the campaign statement is filed by a committee, as defined
21 in subdivision (b) or (c) of Section 82013, information sufficient
22 to identify the nature and interests of the filer, including:

23 (1) If the filer is an individual, the name and address of the
24 filer's employer, if any, or his or her principal place of business
25 if the filer is self-employed, and a description of the business
26 activity in which the filer or his or her employer is engaged.

27 (2) If the filer is a business entity, a description of the business
28 activity in which it is engaged.

29 (3) If the filer is an industry, trade, or professional association,
30 a description of the industry, trade, or profession which it
31 represents, including a specific description of any portion or faction
32 of the industry, trade, or profession which the association
33 exclusively or primarily represents.

34 (4) If the filer is not an individual, business entity, or industry,
35 trade, or professional association, a statement of the person's nature
36 and purposes, including a description of any industry, trade,
37 profession, or other group with a common economic interest which
38 the person principally represents or from which its membership
39 or financial support is principally derived.

1 (u) If the campaign statement is filed by a committee primarily
2 formed for the qualification or support of, or opposition to, an
3 initiative or ballot measure, both of the following:

4 (1) The amount of each expenditure made in connection with a
5 poll or survey used in a communication to influence voters
6 regarding the qualification or passage of an initiative or ballot
7 measure.

8 (2) The amount of each expenditure made in connection with a
9 poll or survey used to gauge the public's opinion of the ballot title
10 and summary of an initiative or ballot measure.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 SEC. 3. The Legislature finds and declares that this bill furthers
21 the purposes of the Political Reform Act of 1974 within the meaning
22 of subdivision (a) of Section 81012 of the Government Code.

23 ~~SECTION 1. Section 84400 of the Government Code is~~
24 ~~amended to read:~~

25 ~~84400. Notwithstanding any other provision of law, the~~
26 ~~Commission shall have no power to exempt any person, including~~
27 ~~any candidate or committee, from any of the requirements imposed~~
28 ~~by the provisions of this chapter.~~